

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOEL WEISSHAUS,

Plaintiff,

11 Civ. 6616 (RKE)

-against-

ORDER

PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

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ORDER

The court is in receipt of Plaintiff's letter motion requesting leave to file his expert rebuttal report out of time, ECF No. 197, the Port Authority's response, ECF No. 198, and Plaintiff's reply, ECF No. 199. Also pending before the court is the Port Authority's letter motion for leave to file a response to Plaintiff's expert rebuttal report, ECF No. 195.

Plaintiff was required to file his expert rebuttal report by July 28, 2023—extended from the original July 21, 2023, deadline; however, the report, dated July 31, 2023, was not filed until August 2, 2023. The court acknowledges, as pointed out by the Port Authority, that Plaintiff neither asked for a second extension of time to file his expert rebuttal report, nor did he ask for leave to file out of time on his own accord. Rather, only on the court's prompting has Plaintiff sought leave to file out of time.

Nonetheless, the court will grant Plaintiff's letter motion to file out of time. Further, the court will grant the Port Authority's letter motion for leave to file a response to Plaintiff's expert rebuttal report.

Accordingly, it is hereby

ORDERED that Plaintiff's letter motion is granted; it is further

ORDERED that the court accepts for filing Plaintiff's August 2, 2023, expert rebuttal report, ECF No. 194; it is further

ORDERED that the Port Authority's letter motion for leave to file a response to Plaintiff's expert rebuttal report, ECF No. 195, is granted; and it is further

ORDERED that the Port Authority shall file its response with the court on or before September 29, 2023.

/s/ Richard K. Eaton
U.S.D.J., by Designation

Dated: August 25, 2023
New York, New York